

REMARKS

Claims 1-3, 7-15, 17 and 18 are currently active.

The Examiner has rejected Claims 1-4, 6-11, 15, 17 and 18 as being unpatentable over Goebel in view of Nilssen. Applicant respectfully traverses this rejection.

Goebel teaches in fixture unit D there is provided a circular ballast housing, generally indicated at 59, which supports therein the usual ballast. Around the housing are members 60 which support circular fluorescent lighting tube 61. Depending from the bottom of the ballast housing 59 are a plurality of metal straps 62 which are secured to gimbal ring generally indicated as 63. Similarly supported within said gimbal ring is a flood lamp 64. See column 7, lines 34-50. It is respectfully submitted that nowhere does Goebel teach a transformer. As is clear from the above teaching from Goebel, the numeral 59 refers to a ballast, not a transformer, and supports the fluorescent lighting 61, and not the flood lamp 64. Ballast is necessary for a fluorescent light, not a low voltage or line voltage lamp. A ballast is not a transformer.

Goebel teaches that the ballast is used to support the fluorescent lighting 61. There is no teaching or suggestion whatsoever regarding the flood lamp 64, and that there is

any need whatsoever for a transformer for the flood lamp 64. Furthermore, there is no teaching or suggestion that the flood lamp 64 is low voltage or line voltage, as is a required limitation of Claim 1. By the date of Goebel, 1953, it is highly unlikely that the flood lamp was low voltage or line voltage, let alone any need for a transformer because in 1953, the technology was such that as far as the applicant knows, a low voltage or line voltage lamp which required a transformer, as found in applicant's claimed invention, did not yet exist.

Accordingly, because there is no teaching or suggestion of any type of transformer, there is no teaching or suggestion of a low voltage or a line voltage lamp, and there is no teaching or suggestion of a transformer that is used in conjunction with the low voltage or line voltage lamp.

Referring to Nilssen, there is disclosed an indirect office lighting system. The object of the teachings of Nilssen is providing an improved office wall partition means. See column 1, lines 32 and 33. Nilssen teaches an office wall partition has an opening covered with a removable panel. A frequency-converting power supply is located behind the removable panel and has a power cord operative by way of a power plug to be plugged into an ordinary electric power receptacle. The power cord passes through an opening at the side of the removable panel. A high frequency distribution cable is located within the partition and is connected with a first and second high-frequency receptacle means and a power track means

and a main high-frequency ballast. The main high-frequency ballast is connected with fluorescent and lamp sockets and a main fluorescent lamp is inserted into an held by these sockets. See column 2, lines 35-54. The top part of the partition comprises a parabolic shape reflector means placed underneath a main fluorescent lamp. See column 2, lines 57 and 58.

It is respectfully submitted that Nilssen has nothing at all to do with applicant's claimed invention, just like Goebel has nothing to do with applicant's claimed invention. Nilssen teaches a fluorescent lamps system that uses ballast, not a transformer. There is no teaching or suggestion of any lamp that is either a low voltage or a line voltage lamp. There's no teaching or suggestion of a housing having four walls and a plane defined by the bottom of the four walls. There is no teaching of a gimbal ring assembly. It is respectfully submitted that Nilssen adds nothing to the teachings of Goebel, which also falls far short of applicant's claimed invention.

Furthermore, the teachings of Nilssen and Goebel cannot be combined. It is black letter patent law that the teachings the Examiner relies upon in Nilssen and Goebel must be taken in the context in which they are found. Nilssen teaches a fluorescent lighting system that is connected by a cable and a power track, where the fluorescent lighting is directed to a parabolic reflector so that the lighting is actually reflected into the room as indirect lighting. See column 1, line 15 of Nilssen. In contrast, Goebel teaches essentially a single large box

with fluorescent lamps that happens to have one light bulb in the center that does not need or require a transformer. A large box with fluorescent lamps having a single lightbulb is totally distinct from a distributed fluorescent lighting system used to indirectly light a partition system. The Examiner cannot ignore the context. Except for the single light bulb, which does not require a transformer, all the teachings are directed to fluorescent lighting.

There must be some teaching or suggestion in the references themselves that the Examiner is relying upon to arrive at applicant's claimed invention to combine these teachings, but there is none. There is no teaching or suggestion in Nilssen of any need to be modified to have encased fluorescent lamps with a single light bulb somehow replace the distributed cabling system for indirect lighting of partitions. Likewise, there is no teaching or suggestion of any need of modifying the box with fluorescent lights in a single light bulb taught by Goebel with some type of distributed cabling system that provides indirect lighting of partitions. Nilssen and Goebel had nothing at all to do with each other except for the fact that they generally, and to reiterate, very generally, provide light.

It is respectfully submitted the Examiner is using hindsight to arrive at applicant's claimed invention. This is not patent law. The Examiner is using the limitations of Claim 1 of applicant as a roadmap to find the different limitations in the different references of the prior art, and having found them, concluding that applicant's claimed invention is

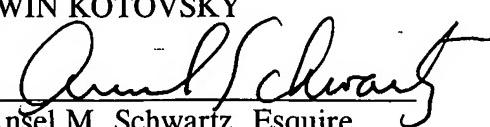
arrived at. Accordingly, the applied art of record does not teach a transformer, let alone a first and second lamp being either a low voltage or a line voltage lamp, or a housing having an outer surface made of wood, plastic, glass, marble or synthetic, as found in Claim 1. Consequently, Claim 1 is patentable over the applied art of record.

Claims 1-3, 7-11 depend on Claim 1 and are patentable for the reasons Claim 1 is patentable.

Claim 15 is patentable for the reasons Claim 1 is patentable. Claims 17 and 18 are dependent to parent Claim 15 and are patentable for the reasons Claim 15 is patentable.

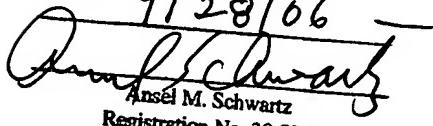
In view of the foregoing remarks, it is respectfully requested that the outstanding rejections and objections to this application be reconsidered and withdrawn, and Claims 1-3, 7-15, 17 and 18, now in this application be allowed.

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